

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
S/S Mt. Carmel Road, 750' NW
of the c/l of Forrester Road
(3317 Mt. Carmel Road)
5th Election District
3rd Councilmanic District
Richard K. Brooks, Jr., et ux
Petitioners
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-268-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 35 feet for a proposed addition, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18 day of February, 1992 that the Petition for Residential Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 35 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. There shall be one kitchen to support the entire dwelling.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Office of Planning and Zoning

Suite 413, Courthouse
400 Washington Avenue
Towson, MD 21204

February 18, 1992

(410) 887-4386

Mr. & Mrs. Richard K. Brooks, Jr.
3317 Mount Carmel Road
Upperco, Maryland 21155

RE: PETITION FOR RESIDENTIAL VARIANCE
S/S Mt. Carmel Road, 750' NW of the c/l of Forrester Road
(3317 Mt. Carmel Road)
5th Election District - 3rd Councilmanic District
Richard K. Brooks, Jr., et ux - Petitioners
Case No. 92-268-A

Dear Mr. & Mrs. Brooks:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, petition for a Variance from Section 1A01.3.B.3 to ALLOW 20' IN LIEU OF THE REQUIRED 35' SIDE YARD SETBACK IN AN RC-2 ZONE.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate knowledge or practical difficulty)

1. SETBACK AND WALL RESTRICTION TO LOCATE ADDITION IN FRONT OF BACK.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s):

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

3317 MOUNT CARMEL RD. 21204-5112

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

RICHARD K. BROOKS, JR.

3317 MOUNT CARMEL RD. 21204-5112

Address

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County.



REVIEWED BY: *S. J. J.* DATED: 5.97

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/are presently reside at 3317 MOUNT CARMEL ROAD
BAUTSGMA.
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate knowledge or practical difficulty)

SETBACK AND WALL RESTRICTION TO LOCATE ADDITION IN
FRONT OF BACK.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Richard K. Brooks, Jr.
AFFIANT (Handwritten Signature)
Richard K. Brooks, Jr.
AFFIANT (Printed Name)
Richard K. Brooks, Jr.
AFFIANT (Handwritten Signature)
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, 19____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared _____

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public
NOTARY PUBLIC
My Commission Expires: _____

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

DECEMBER 17, 1991
ZONING DESCRIPTION

BEGINNING AT A POINT distance the two following courses and distances viz:
(1) 750' ± northwesterly from the intersection of the center line of Forester Road (40' Right of Way) and the center line of Mount Carmel Road (80' Right of Way) (2) southwesterly 40'.

Being lot #1A Section Two in the Subdivision of "Hunter Green" as recorded in Baltimore County Plat Book #40, Folio #18, containing 3.00 acres ±.
Also known as #3317 Mount Carmel Road and located in the 5th Election District.

Malcolm E. Hudkins
Malcolm E. Hudkins
Registered Surveyor #5095

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 1/14/92
Posted for: Richard K. Brooks, Jr.
Petitioner: Richard K. Brooks, Jr.
Location of property: 3317 Mt. Carmel Rd., 750' NW of Forrester Rd.
Location of Sign: Property above listing 10. Mount Carmel Rd., ex
from 17. of Baltimore
Remarks: None
Posted by: Malcolm E. Hudkins Date of return: 1/31/92
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

January 21, 1992

(410) 887-3353

Richard and Joan Brooks
3317 Mount Carmel Road
Baltimore, Maryland 21155

Re: CASE NUMBER: 92-268-A
LOCATION: S/S Mt. Carmel Road, 750' NW of c/l Forrester Road
3317 Mt. Carmel Road
5th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 26, 1992. The closing date is February 10, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

January 28, 1992

(410) 887-3353

Mr. & Mrs. Richard K. Brooks, Jr.
3317 Mount Carmel Road
Baltimore, MD 21155

RE: Item No. 283, Case No. 92-268-A
Petitioner: Richard K. Brooks, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Brooks:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

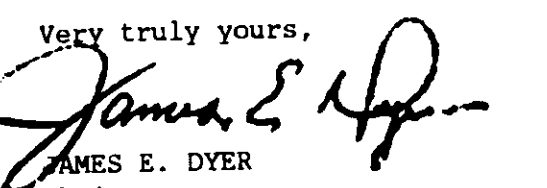
Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

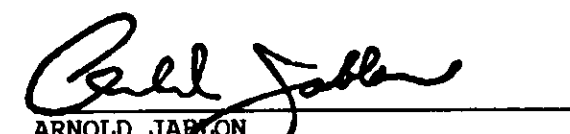
Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

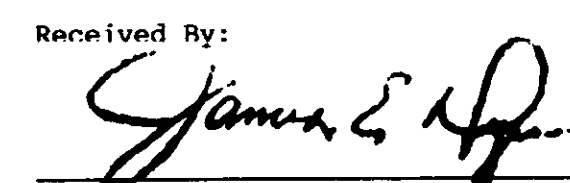


111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
8th day of January, 1992.


ARNOLD JABLON
DIRECTOR

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard K. Brooks, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

January 16, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management
FROM: DIVISION OF GROUND WATER MANAGEMENT
SUBJECT: Zoning Item #283, Zoning Advisory Committee Meeting of
January 21, 1992, Richard K. Brooks, Jr. & Joan P. Brooks,
S/S Mt. Carmel Road, 750' NW of centerline Forreston Road
(#3317 Mt. Carmel Road), D-5, Private water and sewer

COMMENTS ARE AS FOLLOWS:

Any building addition must be a minimum of 30 feet from the water well
and 20 feet from any part of the septic system.

SSF:rmp
283.ZNG/GWRMP

RECEIVED
JAN 21 1992
ZONING OFFICE

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 15, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD K. BROOKS, JR. AND
JOAN P. BROOKS

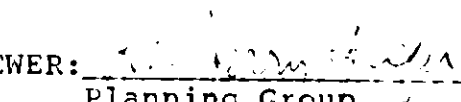
Location: #3317 MT. CARMEL ROAD

Item No.: 283 Zoning Agenda: JANUARY 21, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER:  Noted and
Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/EEK


BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 28, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 21, 1992

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 282 and 283.

For Item 284, a County Review Group Meeting will be
required.

For Items 287 and 288, the previous County Review
Group Comments still remain valid.


ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

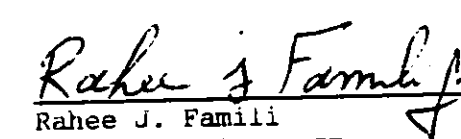
BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: February 6, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 21, 1992

This office has no comments for item numbers 282, 283 and 287.


Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 4, 1992
Zoning Administration and
Development Management
FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning
SUBJECT: LeBrun Property, Item No. 301
Jackson Property, Item 300
Buell Property, Item 296
Loncala Property, Item 291
Knoll Property, Item 290
Trustees Cedar Grove V.M. Church, Item No. 289
Hoffman Property, Item 285
Brooks Property, Item 283 ✓

In reference to the Petitioners' request, the staff offers no
comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

Report prepared by:


Jeffrey Long

GLK/JL:rdn
ITEM301/TXTRO2

Plat to accompany Petition for Zoning ☒ **Variance** ☐ **Special Hearing**

PROPERTY ADDRESS: 3317 MOUNT CARMEL RD.
 Subdivision name: AMENDED PLAT SEC. TWO, HUNTER GREEN
 plat book 52, folio 18, lot 1A, section TWO

OWNER: RICHARD K. BROOKS, JR. & JOAN PHYLLIS BROOKS/HIS WIFE
 FORMER ACCT# 17001558
 DEEP 6024/16

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